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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/989,607

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Yuko Tsusaka

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10/03/2005

WENDEROTH, LIND & PONACK, L.L.P.

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SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,607

Applicant(s)

TSUSAKA ET AL.

Examiner

Hanh B. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 9/6/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

AT

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This is in response to the Request for Continued Examination filed September 6, 2005 in which claims 1-3, 5-14 and 16-18 are pending.

DETAILED ACTION

Response to Arguments

1. Applicant argues (on page 13) that Hurtado and “Wang clearly does not disclose or suggest that the specific section of the read content body for which the management data is edited is at least one of a plurality of sections on a time axis constituting the read content body.” Examiner respectfully disagrees.

Hurtado clearly discloses the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (see col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”) for which the management data is edited (see col.86, lines 39-41 and col.95, lines 45-66, Hurtada).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurtado et al. (US 6,611,812) of record.

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Regarding claim 1, Hurtado discloses a distribution content creating apparatus comprising:

- A content storage part operable to store content bodies (col. 9, lns. 25-36 and col. 10, lns 6-8, Hurtado discloses “Secure container” is content storage to store content bodies);
- A distribution content creating part operable to create a distribution content by reading a content body from said content storage part and providing the content body with a use condition (col.9, lns. 55-64; col. 12, lns. 8-37, col.13, lns44-61 and col. 83, lns 45-67, Hurtado); and
- A distribution content storage part operable to store the distribution content created by said distribution content creating parts; wherein: said distribution content creating part includes a management data editing part operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section (col.9, line 55 to col. 10, line 30 and lines 48-64 and col. 90, lns. 55-64, Hurtado discloses the “modification of electronic content”);
- The specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”);
- said distribution content creating part is further operate to create the distribution content by providing the content body with a plurality of piece of management data edited by said management data editing part (col.9, line 55 to col. 10, line 30 and col.

90, Ins. 55-64, Hurtado) and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data (col. 95, Ins. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data).

- A plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body (col.9, Ins. 55-64; col. 12, Ins. 8-37, col.13, Ins.44-61 and col. 83, Ins. 4-67, Hurtado discloses copies of specific audio tracks displayed to the use as “promotional music” reads on “a reproduction condition of the content body”).

Regarding claim 2, Hurtado further discloses that the management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section specified by the management data in return for payment of a predetermined fee (col.9, Ins. 61-64, Hurtado).

Regarding claim 3, Hurtado further discloses that the management data further indicates a replay order of the section specified by the management data (col. 95, Ins. 51-63, Hurtado).

Regarding claim 8, Hurtado further discloses the distribution content creating means further includes replay means for reading the distribution content from said distribution content storage part and to replay, based on the management data, the specific section of the content body (col. 91, Ins. 43-65, Hurtado).

Regarding claim 9, Hurtado further discloses the replay means selects one of the plurality of pieces of management track data included in the read distribution content and, based on at least one piece of the management data included in the management track defined by the management track data, and to replay at least one specific section of said content body (col. 95, lns. 51-63, Hurtado).

Regarding claim 10, Hurtado discloses a method of creating a distribution content including a content body provided with a use condition, said method comprising:

- storing content bodies (col. 9, lns. 25-36 and col. 10, lns 6-8, Hurtado). Secure container is content storage for storing content bodies;
- creating a distribution content by reading a content body stored in said storing of the content bodies and providing the read content body with the use condition (col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado); and
- storing the distribution content created in said creating of the distribution content; wherein in said creating of the distribution content management data for at least one specific section of the read content body indicating the use condition of the specific section is edited (col.9, line 55 to col. 10, line 30 and lines 48-64 and col. 90, lns. 55-64, Hurtado discloses the “modification of electronic content”),
- the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”) and

- the distribution content is created by providing the content body with at least one piece of the edited management data (col. 90, lns. 55-64, Hurtado) and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data; and wherein a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body (col. 95, lns. 8-29 and and col. 83, lns 4-67, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data).

Regarding claim 11, Hurtado discloses a content distribution system comprising:

- a distribution content creating apparatus operable to create a distribution content including a content body provided with a use condition (element 101, Fig.6 and corresponding text; col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado);
- a distributing apparatus operate to distribute the distribution content created by said distribution content creating apparatus (element 111, Fig.6 and corresponding text, Hurtado); and
- a terminal operate to receive and use the distribution content distributed by said distributing apparatus (Device 609, Fig.6 and corresponding text), wherein said distribution content creating apparatus includes: a content storage part operable to store content bodies, a distribution content creating part to create the distribution

- content by reading a content body from said content storage part, and providing the content body with the use condition, a first distribution content storage part operable to store the distribution content created by said distribution content creating part; wherein said distribution content creating part includes a management data editing part operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section (col.9, line 55 to col. 10, line 30 and lines 48-64 and col. 90, lns. 55-64, Hurtado);
- wherein the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”)
 - wherein said distribution content creating part is further operable to create the distribution content by providing the content body with a plurality of pieces of the management data edited by said management data editing part, and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data (col. 95, lns. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data);
 - wherein a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body (col.9, lns. 55-64; col.

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12, lns. 8-37, col.13, lns. 44-61; col. 83, lns 4-67 and col.84, lines 1-67, Hurtado discloses copies of specific audio tracks displayed to the use as “promotional music” reads on “a reproduction condition of the content body”); and

- wherein said terminal includes a receiving part operable to receive the distribution content distributed by said distributing apparatus; second distribution content storage part to store the distribution content received by said receiving part; and replay part operate to read the distribution content from said second distribution content storage means, and replaying, based on said management data, the specific section of said content body (col. 91, lns. 43-65 and col. 95, lns. 51-63, Hurtado).

Regarding claim 12, Hurtado discloses a terminal for receiving a distribution content including a content body, and a plurality of pieces of management data respectively indicating a use condition which is effective to a specific section of the content body, the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”), and the plurality of pieces of management data having management track data which defines as a management track a collection of at least one management data selected from the plurality of pieces of management data, wherein a plurality of different uses of the content body, and the plurality of different uses of the content body, and the plurality of different uses in terms of at least one of a reproduction condition said terminal comprising¹:

¹ Please note that the preamble of the claim does not carry a patentable weight.

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- a receiving part operable to receive the distribution content (Device 609, Fig.6 and corresponding text, Hurtado);
- a distribution content storage part to store the distribution content received by said receiving means (storage 103, Fig.6 and corresponding text); and
- a replay part to read the distribution content from said distribution content storage means, and replaying, based on said management data, the specific section of said content body (col. 91, lns. 43-65 and col. 95, lns. 51-63, Hurtado).

Regarding claim 13, Hurtado further discloses the use condition indicated by said management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section specified by the management data in return for payment of a predetermined fee, said terminal further comprises a billing operable to bill charge a fee based on the management data, and when the use condition allows the use of the section for free, and said replay part is operable to replay the section after said billing part charges the fee when the use condition allows the use of the section in return for payment of the predetermined fee (col. 79, lns. 22-46, Hurtado).

Regarding claim 14, Hurtado further discloses that the management data further indicates a replay order of the section specified by the management data, and said replay operable to replay at least one section specified by the management data in the replay order indicated by the management data (col. 85, ln. 64 to col. 86, ln. 67 and col. 95, lns. 51-63, Hurtado).

Regarding claim 16, Hurtado discloses a distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory, said distribution content comprising:

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- a content body (storage 103, Fig.6 and corresponding text). Electronic digital content storage stores the content body; and
- at least one piece of management data each for at least one specific section of the read content body and indicating the use condition of the specific section (col.9, lns. 55-64; col. 12, lns. 8-37 and col.83, line 45 to col.84, line 67, Hurtado);
- the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body (col.83, line 44 to col.84, line 67, Hurtado discloses the “audio track” corresponding to the specific section of the read content “content of the CD” is read based the time axis “20, 30 seconds”); and
- management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data wherein a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body (col. 95, lns. 8-29 and col. 83, lns 4-67 and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data and copies of specific content display to the use reads on “a reproduction condition of the content body”).

Regarding claim 17, Hurtado further discloses the use condition indicated by said management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section

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specified by the management data in return for payment of a predetermined fee (col.9, lns. 61-64, Hurtado).

Regarding claim 18, Hurtado further discloses said management data further indicates a replay order of the section specified by the management data (col. 95, lns. 51-63, Hurtado).

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al. (US 6,611,812) of record in view of Purnaveja et al. (US 6,006,241) of record.

Regarding claim 5, Hurtado discloses a character input part operable to supply a character input to said distribution content creating unit (col. 20, lns. 9-13, Hurtado).

Hurtado, however, does not disclose GUI input means for supplying a GUI input, wherein said management data editing means makes a GUI screen displayed, the GUI screen including a plurality of management tracks provided along a time axis, said management data editing means edits the management data of the specific section by receiving, through said character input means, a start time and an end time for defining the specific section of said content body on the time axis, and the use condition for the predetermined purpose, and said management data editing means places, based on the edited management data, a bar on the management track corresponding to the purposes in said GUI screen.

Purnaveja, discloses the GUI ("LiveScreen, 245, Fig.2) for synchronizing the display of the video stream including the author tool that contains a flipper time track bar of start time and end time indicator (col. 7, lns. 9-19, Purnaveja). It would have been obvious to one of ordinary skill in the art to apply the user interface of Purnaveja to Hurtado's system. The motivation of doing so is to provide many advantages including the ability of "ease of installation and use" (col. 5, lns. 49-66, Purnaveja).

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Regarding claim 6, Hurtado/Purnaveja combination further discloses the management data storage means for storing the management data edited by said management data editing part (col. 90, lns. 55-64, Hurtado).

Regarding claim 7, Hurtado/Purnaveja combination further discloses management data editing means reads the management data previously edited from said management data storage means, and places, based on the read management data, a bar on the management track in said GUI screen, and said management data editing means edits the management data by moving one end and/or the other end of the bar along the time axis through an operation by said GUI input part (col. 5, lns. 49-66, Purnaveja).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hanh B Thai
Examiner
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September 22, 2005



UYEN LE
PRIMARY EXAMINER